

ORDINANCE No. 93

AN ORDINANCE asking bids to be submitted for a franchise proposed to be granted by the City Council of Alexandria, Virginia, to a person or persons, firm or corporation, and/or its successors and/or assigns, authorizing the use and occupancy of the streets, alleys and public grounds of the said city for the construction, maintenance and operation therein, thereon, thereunder and therethrough of a system of poles, wires, brackets, insulators and other equipment necessary and/or convenient for the transmission, distribution and sale of electric current in the said city, to the said city and to the residents thereof; and fixing the time for the reception by the Council of said bids.

BE IT ORDAINED by the City Council of Alexandria, Virginia, that bids in writing be received by the presiding officer of the Council at a regular meeting thereof, in open session, to be held on the 26th day of June, 1930, at 3 o'clock, P. M., for a franchise to use and occupy the streets, alleys and other public grounds of said City with a system of poles, wires, brackets, insulators and other equipment necessary and/or convenient for the transmission and distribution on, in, over, along, under and through the said streets, alleys and other public grounds and the right to transmit over said system electric current or energy in such voltage as the said GRANTEE may desire and the City Council may approve and to sell the same to the said City and to the residents thereof and to manufacturing and business interests and others, located in the said City.

The form of the franchise for which bids are hereby requested, shall be substantially as follows and the Council reserves the right to reject any and all bids that may be made therefor.

FRANCHISE

BE IT ORDAINED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA, that a franchise be, and the same is hereby, granted to....., its successors and/or assigns (hereinafter generally referred to as GRANTEE) to use and occupy the streets, alleys and other public ways and places in the said City of Alexandria for the construction, maintenance and operation therein, thereon, thereunder and therethrough of a system of poles, wires, brackets, insulators, conduits and other equipment necessary or convenient for the transmission, distribution and sale of electric energy or current to the said City Council, to the residents thereof, to the manufacturing and other business interests and others located therein; and the right to transmit and distribute over said system electric current, or energy in such voltages as the GRANTEE may desire and the City Council may approve and sell the same to the said City, the residents thereof and to others as aforesaid.

The electric current and energy to be transmitted and distributed over said system shall be sold to the City Council of Alexandria and residents thereof, to the manufacturing and business interests and others located there-

in at just and reasonable rates of charge therefor, and the poles, structures and other appliances to be located in the said streets, alleys and public ways of the said City shall be subject as to location to the approval of the Council of said City or of such of its committees or officials as may be designated by it to approve the location of the same.

In consideration of the granting of this franchise, the GRANTEE shall, when so requested by the City Council of Alexandria, Virginia, permit its poles to be used, without compensation from the said City Council, for the purpose of placing and maintaining thereon any fire or police alarms, telegraph and telephone wires, necessary for the exclusive use of the police or fire department of the said City, provided that such use by the said City Council shall not interfere with the proposed use of said poles by the GRANTEE, its successors and/or assigns; and provided the said City Council shall agree to indemnify and save harmless said GRANTEE, its successors and/or assigns from any and all loss and/or damages, costs or expenses to which the said GRANTEE, its successors and/or assigns may be subjected by reason of, or as the result of, the use of said poles by the said City Council as herein provided.

The rights and privileges herein granted are subject to the following conditions, limitations and restrictions, that is to say:

(1) The materials to be used and the manner of construction to be followed under this ordinance, shall be such as are used and followed by similar GRANTEES doing a similar business in cities of substantially the same size as the City of Alexandria. The location and laying of all pipes and conduits and the placing of wires thereon, and the erection and location of all posts, poles, fixtures and other structures to be done under this ordinance shall be subject, as to their location, to the approval of such committee or city official as the City Council of Alexandria, Virginia, may from time to time designate, and when plans showing the location of such conduits, pipes, posts, poles and other structures as aforesaid have been submitted to and approved by said committee or official, the same shall be effective and binding to the same extent as if they were set out fully and at length in this ordinance; provided, however, that said posts and poles shall be neat, symmetrical and well dressed, and that all work done under this ordinance shall be done in such manner as not to interfere with the free and proper use of said streets, alleys and ways by the public, or unnecessarily obstruct the travel thereon.

(2) The work to be done under this ordinance, the pipes and conduits to be laid, and the posts, poles and other structures to be erected, shall be so laid and so erected as not to damage the water, gas or sewerage pipes of the said City, or to interfere with or impede the said City Council, its servants or employees or others entitled to do so from freely approaching said water, gas and sewerage pipes, or in any way to unnecessarily interfere with the making of connection by the said City, or by the citizens thereof, with the water, gas and sewerage pipes which may now or hereafter be laid or constructed in said City.

(3) Whenever any of the poles, posts, structures or lines of the GRANTEE shall prove to be in the way of public street improvements actually being made in the said City, whether such street improvements be new or whether they be in the nature of change in location of existing streets,

alleys or public ways, the said City Council reserves the right to cause or compel the GRANTEE, at its cost, to move so much of its said works in the said streets, alleys and ways of the said City as may unnecessarily impede the progress of such improvements, and upon the failure of the GRANTEE so to move its works when rendered necessary by such improvements, the said City Council may, after thirty days' notice in writing to the GRANTEE, itself make such necessary changes in the works of the GRANTEE at the cost and expense of the GRANTEE.

(4) By accepting this ordinance and franchise, the GRANTEE, its successors and/or assigns, hereby agrees to indemnify and save harmless the said City Council of Alexandria, Virginia, as a municipal corporation from all loss, cost and expense to which said City Council may be subjected for any damage or destruction that may be done or suffered by any one in person or property, for which the said City Council of Alexandria, Virginia, may be held liable by reason of any work to be done and/or the proper maintenance thereof under this ordinance.

(5) The GRANTEE, its successors and/or assigns shall, at its or their own proper cost, promptly replace, relay, repair and restore as nearly as possible to the original condition of the same, all streets and/or side walks disturbed or damaged in the construction of the work authorized to be done by this ordinance; and upon failure to do so, after thirty days' notice in writing shall have been given by the Mayor or City Council of Alexandria, Virginia, or any duly authorized officer, so to do, the said City Council may relay or repair such portion of the streets and/or side walks that may be so damaged or disturbed and collect the cost so incurred from the GRANTEE, its successors and/or assigns, FURTHERMORE should the City Council by an ordinance compel the GRANTEE, its successors and/or assigns to place its or their conductors or any portion or portions thereof under ground that the GRANTEE, its successors and/or assigns will bear the entire expense incident thereto for a distance not to exceed five miles.

(6) The GRANTEE shall have the right to cut in a reasonable and careful manner from any trees in the streets of said City such limbs or branches as may be necessary to keep its wires and other fixtures and appliances free from interference therefrom and in a safe and efficient operating condition.

(7) The said GRANTEE shall also furnish electric current to the said City Council for the purpose of street lighting and other municipal purposes; said current to be furnished at such places and during such hours and at such rates of charge as may, from time to time, be agreed upon by the said GRANTEE and the City Council of Alexandria, Virginia.

(8) This ordinance and the rights and privileges hereby granted and conferred shall not become effective unless and until the GRANTEE shall file with the Clerk of the City Council of Alexandria, Virginia, its written acceptance thereof, in form satisfactory to the Mayor of said City, and shall have entered into a bond with good and sufficient security, in favor of said City Council of Alexandria, Virginia, in the sum of \$50,000.00, conditioned to the effect that said GRANTEE will construct and put into operation the plant, system, fixtures and appliances herein provided for and reasonably necessary for the exercise of the rights and privileges granted by this

ordinance within six months from the date of the passage of this ordinance, and will maintain the same in good order throughout the term of this grant, and will render efficient public service at just and reasonable rates within the present or future limits of the said City

(9) The privileges hereby granted shall continue for a period of 30 years from the date of the approval of this ordinance.

(10) Upon the expiration of the term of this grant, or of any extension or renewal hereof, and upon the termination of the rights hereby granted, all of the poles, wires, conduits, lines and other property of the said grantee in the streets, alleys or public places of the City of Alexandria, shall be removed from the streets, alleys and public places of said City and said streets, alleys and public places restored as nearly as practicable to their original condition at the expense of the owner within a reasonable time after the expiration or termination of said rights and privileges, such time to be prescribed by the City Council of Alexandria.

The Clerk of the City Council of Alexandria, Virginia, shall cause this ordinance to be published once a week for four successive weeks in the Alexandria Gazette, a newspaper published in the City of Alexandria, Virginia, prior to the date set for the reception of the bids hereby requested.

Approved this 22nd day of May, 1930.

ROBERT S. JONES, Mayor.

(May 26 June 2 9 16)